EXHIBIT K

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Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

Detainee: The only question I have is that I have been to a tribunal and you were the president at that time and the other two members were different and this person here (recorder) I don't know if it was him or somebody else and my P/R is different at that time. You told me in the last tribunal that I would be notified with in two weeks about the decision and it has been three months. I have been waiting for the decision to come, and now they ask me to come to a tribunal again and do the whole thing all over. So the only question is: why did they make me come a second time and I did not know the decision from the first tribunal?

Tribunal President: If we told you that it was going to take two weeks for you to receive a decision, that was not correct.

Detainee: I asked you that question - when should I know about the decision? - and you told me that it should take two weeks to get the decision and let me know what happened. Those people were not here, and I think this guy was here. I don't know if he remembers. I remember I asked you and you gave me the answer because the linguist told me that she said two weeks and the last time when the tribunal took the oath I was pretty satisfied that they will look at all the evidence and make the decision. But after three months I did not hear anything about what happen and now I am here. I don't have a problem to come back, but the thing is I was waiting and now I don't know how long this process will take again this time.

Tribunal President: This tribunal does not have any control over how long it takes for you to be notified; that is out of our hands. We will consider the information that you give to us today and additional information that has been given to us by the government and then we will proceed with this new tribunal. This new tribunal has not seen any of the evidence that was provided to the old tribunal, so they have to look at all of the evidence that is being presented.

Detainee: They should not have told me that I would know the decision in a certain amount of time. They should have said just wait and we will let you know, we will bring you back to the tribunal, we will then notify you about the decision. That is why I was thinking I should know the decision within two weeks and now they bring me back to a tribunal and do the whole process again.

Tribunal President: That is correct. I don't know exactly what was said, but it is to your benefit for the new tribunal to consider all of the evidence that the government has given us and this is your opportunity to tell your story again.

Detainee: I have been here for three years and I have told them the whole story of what I did. It was three times that they put allegations on me that was wrong, "I never did it".

Now they want me to say it all over again and explain the whole thing and answer the questions of the allegations that I never did it. It's like they are just keeping me here and they do not have any evidence to prove what they are saying is true and I don't know if they believe that I'm telling them the truth. The entire time I've been here, I have not seen anything proving that I did anything wrong. If they have evidence to show that I did wrong things, I'm here. I want to see what is going to happen next.

Tribunal President: Should we move on? Any more questions?

Detainee: Yes, we should start. But, the thing is, I have been here for three years and the past three years, whatever I say, nobody believes me. They listen, but they don't believe me when I tell them that I did not do anything wrong. I never harmed any Americans. I did not go against the allies. What did I do wrong? I was just living my life in my country, in my village and never did anything wrong. I don't know where they got those things. I am here because of those wrong accusations or wrong information people give them. For three years I'm just here telling them, but nobody seems to believe me.

Tribunal President: [redacted]et's look at the allegations and then you will have the opportunity to respond to each of the allegations.

Detainee: Okay.

Tribunal President: Personal Representative please provide the tribunal with the detainee election form.

Personal Representative: I am providing the tribunal with the detainee election form that had been marked as exhibit D-A.

Tribunal President[redacted] this form lets us know that you want to participate in the tribunal.

Detainee: Okay.

Tribunal President: It also indicates that you have written a statement.

Detainee: Yes, my Personal Representative has it and he will read it.

Tribunal President: Okay, I understand that the Personal Representative is going to read it and also that you have two personal letters that you would like to submit into evidence.

Detainee: Yes, I want to present this as evidence.

Tribunal President: And you want us to keep those letters?

Detainee: Yes, that's all the evidence I have and yes you can keep it for the record.

Tribunal President: Okay, thank you.

The Recorder presented Exhibits R-1 thru R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Detainee: Why can't I see those documents?

Tribunal President: Remember earlier I indicated that there will be some documents that you cannot see because of national security.

The Detainee did take the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The detainee is a member of the Taliban:

3.a.1. The detainee was born in [redacted]

Detainee Statement: This is true. I was born in [redacted]

Personal Representative: Can I go to the second one?

Detainee: Yes. You can answer for each one and then if I want to add I will add.

Personal Representative: Thank-you.

3.a.2. The detainee joined the Taliban shortly after the Taliban took control of Kabul, Afghanistan in 1992.

Detainee: I was never a member; I never went and joined the Taliban, I never worked with them, I did not know any people in that group and I'm sure he will read you the same thing. I was just a poor person living my life in my village.

Detainee Statement: This is not true. I was never a member of the Taliban and I have never been to Kabul, Afghanistan. I have never worked with the Taliban.

Detainee: If you don't know them, how would you go and work for them or work with them. I don not know anyone in the Taliban, so how would I go and work?

3.a.3. The detainee has been identified as holding a high-ranking position in the Taliban as a military judge.

Detainee Statement: This is not true. Since my incarceration, I have been accused of holding three different positions with the Taliban. Initially I was accused of being a deputy foreign minister in Kandahar by an interrogator who spoke Pashto. This is when the Americans were there. This turned out to be false. One month later, I was accused of being a Taliban security guard in Kandahar. A female translator accused me of working in a prison and told me my name was Botcha a security guard in this prison in Kandahar.

Detainee: The female was the interrogator with a translator. She had a male translator with her.

Detainee Statement: This was false as well as I've never even heard of the name Botcha Now, I'm being accused of being a military judge for the Taliban. I have no idea why someone would make these accusations, as it is not true. I can only speculate that it was someone from a rival village close to my village in Pakistan. However, I have no proof because I am here at Guantanamo.

Personal Representative: Is there anything you would like to add, you want me to go to the next one?

Detainee: That is the same answer that I would have told the tribunal but you told, so just go to the next one.

3.a.4. In his position with the Taliban, the detainee tortured, maimed, and murdered Afghani nationals who were being held in Taliban jails.

Detainee: I never even hit my own child at home and I never hurt anyone. Why would I go and torture and murder someone?

Detainee Statement: This is totally false. The only time I have ever been in Afghanistan was for two days to attend a funeral. A neighbor in my village of [redacted] had a relative in Afghanistan that died. I went with him to Afghanistan to attend a funeral service. I was only there for two days and then I returned home. How could I do all of these things in two days? It is simply not possible. During the Taliban reign, I never even talked to them. I never had any contact with Taliban at all. The two days I was in Afghanistan to attend a funeral were the only two days I spent in Afghanistan during the time of the Taliban, this was in 1999.

Detainee: Those were the only two days I went from my home to Kandahar, Afghanistan.

Detainee Statement: Many Afghanis lived in Pakistan and they traveled back and forth. So rivalries or differences might have occurred on both sides of the border.

Detainee: They tell wrong stories or give wrong accusation to give the other person a hard time.

Detainee Statement: I was never a judge at Pakistan or Afghanistan, nor was I ever a deputy foreign minister in either of these two countries, nor was I ever a security guard in these two countries. I was only a chicken farmer in Pakistan. I also would occasionally earn some extra by helping out at the local mosque. I would teach children how to pray and to perform absolution, I would teach them right from wrong. However, my main income was as a chicken farmer.

3.a.5. Pakistani authorities arrested the detainee in Fall 2001

Detainee Statement: No, it was the end of January 2002.

Detainee: It was the last days in the month of January 2002. It would either be the 25th, 26th or the 28th, but it was the last week.

Detainee Statement: I was in my home. I didn't live on a chicken farm; I worked on one. Pakistani authorities knocked and told me they wanted to search my home. I ask them why they wanted to search my house; they told me that they were searching for ancient artifacts that were looted. I didn't know what they were about and I had nothing to hide. They didn't find any artifacts because I didn't have any to find. However, the Pakistani authorities told me that I had to go with them to the police station. I asked them why, they search the house and they found nothing. I was told I had to go. At the police station, the questions were about the ancient artifacts. I pointed out to them that they searched my house and found nothing. The police then told me that even though they didn't find any artifacts, if I didn't give them money or a bribe I was gone. I told them that I didn't have any money to give them but even if I did wasn't going to give it to them. I asked what I had done.

Detainee: I told them even if I have money I would not give it to you because what did I do wrong? Why are you asking me for money?

Detainee Statement: I asked what have I done that I need to pay you for? They said it doesn't matter; we just want the money. Since I refused to pay the bribe, we never discussed the amount of money they wanted.

Detainee: I never asked them that.

Detainee Statement: They told me I would sit until I paid them, and they took me to a cell. They put me in a cell for a few hours and then blindfolded me and put me in a car with someone else and drove us to another location. I was kept in a Pakistani jail for thirty-six days. During this time, a Pakistani solider asked me if there was someone else in my village with the same name as I. I told them it could be, but I didn't know for sure. The solider then told me that they were looking for someone else and they had found me. That was all he said to me. After thirty-six days in the Pakistani jail, they came and got me one night. They tied my hands behind my back, put a hood over my face, and put me into a car. Although I couldn't see anything there were other prisoners in this car. One of the soldiers was speaking Pashto and several others were speaking (inaudible).

Detainee: One of the soldiers was speaking Pashto because I could understand and the other was speaking (inaudible) which I did not understand.

Detainee Statement: When the car stopped, I could hear airplanes. They took me from the car and put me into an aircraft. There were Americans in this aircraft.

Detainee: My eyes were closed. I could not see if they were Americans, but the language changed - before it was our language and then it was people who speak English like Americans here - that is why I made the assumption that it was Americans.

Detainee Statement: I still could not see anything because I was blindfolded, but they were speaking English. When we landed, they asked for my name and I told them [redacted] The translator who was speaking Pashto asked me what languages I spoke. I answered that I only spoke Pashto. I was then told that I was not [redacted] and that I was [redacted] That was not correct, my name [redacted] was the deputy foreign minister of the Taliban. I was taken to this camp and they begin to interrogate me. An American told me that I was wrongfully taken and that in a couple of days I would be free. I never saw this American again and I'm still here. Since then, I have also been accused of being a security guard, which is not true. Now I have this new accusation that I am a military judge of the Taliban. This is simply not true. I am innocent.

Tribunal President: Do you want to add anything else to this statement?

Detainee: That is all I have to say and I have told the tribunal before, like I told you before in the last tribunal. What I told you today, what I have been telling you for the past two years, that's what I did. I have been wrongfully accused. The past two years, I have been telling you that I'm innocent, that I didn't do anything wrong and that I've been wrongfully accused, but nobody believes me. Even when I told you what you told me last time from the last tribunal, you did not agree with me; you said that you never said that. That's my luck that I cannot prove anything, how you told me one thing before and now you say something else. That is all I have been saying for the past two years to everyone, but nobody listen to me.

The Personal Representative had no further questions.

Recorder: Am I correct, because of your statement a moment ago, that your real name is [redacted]

Detainee: My full name is [redacted] is a tribe. We usually use the [redacted] name when we make ID from our own country so people sometimes use the tribe name because it easy for some people to locate, to see where the tribe village is. That is why they use the tribe name on their ID to know the location. If you go to my village and ask anybody in the village, like my relatives, if you say [redacted] they will not know me because we don't use the [redacted] name with us all of the time in the village.

Usually we people put the tribe name on their ID, but if you just ask them about [redacted] yes they will tell you that they know me, they will tell you where I live, and tell you everything about me because people over there just know me by [redacted] not [redacted] We use [redacted] for paperwork.

Tribunal Members' questions

Q. You said the only time you went to Afghanistan was for the two days in 1999 correct?

A. Yes, during the Taliban time I went for two days. I don't know the exact date or year, but they asked me: "did you ever go to Afghanistan during the time of the Taliban?" I said yes, for those two days. They asked me when, and I said it was two years before when the Taliban collapsed. Two years before when I went for two days it was 1999 or 1998, you can figure it out because I don't know the exact year.

Q. Before the Taliban, did you fight in Afghanistan against the Russians at all?

A. Yes, I was in Afghanistan, but I was young - probably 15 years of age. Russia was there, but I'm not sure how old I was; maybe 15, 16, 20 at the most.

Q. While you were in Pakistan, were you ever associated with any of the Taliban offices in Pakistan?

A. I swear that I did not know about the embassy, I did not know of any Taliban offices in Pakistan. I swear I never went to their office to work with them.

Q. How many chickens were on the farm that you worked at?

A. It is not an exact number that you keep all the time. It depends on how much money you've got. You can bring a thousand pieces and next time maybe you have more money and then you will bring two thousand and if you don't have enough and then probably like five hundred. But it is not an exact number that you keep all the time.

Q. Where you just working or were you in charge?

A. It was not a big farm or anything, it was just like this room and you just put chickens in this room or maybe two rooms and just feed them, you can keep the chickens in there. It's not liked any big farm or land.

Q. How many other people worked with you?

A. It was just my brother, and if I need any extra help to clean the room, then I would hire someone and pay twenty pieces and just use them for a couple of days. But most of the time it was just me and my brother.

Q. Is your brother still back in Pakistan?

A. Yes.

Q. What did you feed the chickens?

A. It was a mixture of food they sell in the bazaar.

Q. What city were you arrested in?

A. In my home.

Q. Was it in [redacted] or was it some other place?

A. The village we were living in is named [redacted] and that is between [redacted] and [redacted] Pakistan. The village is between those two cities but we fall under the [redacted] district.

Q. How far from the Afghan border is that?

A. Sir, I don't know exactly how far it is, but if you're going in a car, it can take about two hours. But, if you take a bus, it can take maybe three to four hours, because the bus usually stop different places and picks up people and drops people off. I'm not sure. It depends on how fast the car is going; it can take two to four hours.

Q. Did you sell your chickens in Afghanistan or only in Pakistan?

A. We keep the chicken on a farm and when they get bigger then the seller would come and buy from us and put it in the store, market, or the bazaar and sell it to the locals. The storeowners would come and buy from us.

Tribunal President's questions.

Q. You said in your statement that there are rivalries and differences between the Afghans and Pakistanis, what did you mean by that?

A. I mean when the Afghans went to Pakistan as refugees during the wartime, a lot of people are living in Pakistan, a lot of people born there are living there all this time in this country. They have relatives on the other side of the border. They usually go and visit each other. You have people on both sides and sometimes you have differences in your village. Some people have family differences. They don't like each other. So, when you travel, they are looking for the right time to give you a hard time. They cannot give you a hard time in one country, but when you go over the border they will say something on the other side to just give you a hard time there to see you get in trouble. The Pashto culture, we have a lot of differences and they will not forget that. Their differences can be personal, family-to-family, or tribe-to-tribe. If you are living in that tribe, it doesn't matter if you never did anything wrong to them. People still will give you a hard time because you belong to that tribe.

Q. Is that your translation of what he said or is that your explanation?

Translator: No that is what he said.

Q. Did you have any rivals in Pakistan or in Afghanistan?

A. Yes, everybody has (inaudible) in Pashto people because if you and another kid get into a fight it goes to their parents. Even if they solve the problem, it is still in their heart. When they get a chance, they will give you a hard time.

Q. When you went to Afghanistan to fight the Russians, whom did you fight with?

A. When the Russians came, we were living in Afghanistan, in Kandahar. Half of my family moved to Pakistan. I was living in Kandahar with my eldest. I was maybe 15 or 16 years old. I did not know any groups or organization at that time but later on I asked someone, who are the people fighting against the Russians? One person told me it was commander President (inaudible), he was the commander.

Q. Did you have to receive any training before you started fighting?

A. I don't know if I received any training. Nobody gave me any training, but I was young. The only thing they would do is send me to the houses because they were living far from the village to go and get food from the village. I would go get some tea, I would get some food for lunch and dinner and bring them the food. Since I was young, I did not fight. I would bring them food.

Q. Was it a requirement of your family to participate in a jihad?

A. I was young and I did not know all of those things. Most people in that time were fighting momentarily because they had been told that the Russians wanted to invade the country. I was young, I didn't know. I asked people: where was the food and the help coming from to fight against the Russians? They said that the American government was providing support to the Afghans to fight against the Russians. Weapons and food were coming from the United States.

Q. Is it a requirement of your religion to fight against the Americans?

A. I have been here the whole time. I have been here for three years. I have been here in Cuba for two and a half years. I was in Kandahar for three to five months, and now I am here for two and a half years.

Q. When did you leave Afghanistan to go to Pakistan?

A. During the Russian time my family left. They never came back to Afghanistan. I was living with them, but I would go to Afghanistan. There was only a certain amount of time I could stay there. I have friends and relatives there and I would go and visit them. Jihad was also one other thing. I was going in and out, but it was no specific time on how long I stayed in Afghanistan.

Q. Do you have an alias?

A. You can go to either country, Afghanistan or Pakistan, this is the only name that people know me by.

Detainee: What will happen now? I have a lot of expectation from this tribunal, so what will happen next?

Tribunal President: I will explain to you all the procedures in the process. Do you have anything else that you will like to add?

Detainee: No, that is all.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.

Personal Representative: I have two letters that I will give the tribunal, which are marked as exhibits D-c and D-d.

Tribunal President: These are letters from whom?

Detainee: One is from my brother and the other one is from my son.

Tribunal President: Any other questions from the tribunal members?

Tribunal Members: Is that the same brother that worked with you with the chickens?

Detainee: Yes. I have only one brother.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

Detainee: When is the next review board going to happen?

Tribunal President: I can't say exactly when that is going to happen. There will be someone else administering that board.

Detainee: I have been living in Pakistan for all this time. I don't care what is going on in Afghanistan. The fight is in Afghanistan and I'm going to Pakistan to my home. I'm not concern about Afghanistan what is going on there.

Tribunal President: [redacted] it is very important that you allow your translator to complete your sentences so that we make sure that we understand everything that you want us to hear.

Detainee: Okay, I was just saying that I'm going to Pakistan because I have house and family in Pakistan. Whatever is going on in Afghanistan, I don't care about. There is no fight in Pakistan, everything is happening in Afghanistan.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]
Colonel, United States Army
Tribunal President

On 9 Dec 2004, I (PR 100) conducted an interview with [redacted] to inform him that his tribunal was re-convening to consider new classified information, and that he had the option to attend the unclassified portion of the tribunal if he wanted to. He indicated to me that he wanted to attend the tribunal, have me read a statement regarding each allegation, and then he would make comments if he wanted to. I went over each allegation in the unclassified summary and then read the detainee's original response to each, as documented by the original PR (PR 23). In a few instances the detainee wanted to make corrections to the written statement, which are indicated below (the original text is marked by ~~strikethrough~~; added text is indicated in **bold**).

[The following information was originally obtained by [redacted] in an interview with [redacted] on 13 Sep 2004.]

Detainee [redacted] dictated the following written statement on 13 Sept 2004 in response to his unclassified summary of evidence dated 4 Sept 2004.

1. In response to (A1) of the unclassified summary, this is true. I was born in [redacted]

2. In response to (A2) of the unclassified summary, this is not true. I was never a member of the Taliban and I have never been to Kabul Afghanistan. I have never worked with the Taliban.

3. In response to (A3) of the unclassified summary, this is not true. Since my incarceration, I have been accused of holding three different positions with the Taliban. Initially I was accused of being a Deputy Foreign Minister in Kandahar by an interrogator who spoke Pastu. This was when the Americans were there. This turned out to be false. One month later, I was accused of being a Taliban Security guard in a prison in Kandahar. A female interrogator ~~translator~~ 10 Dec 04 accused me of working in a prison and told me my name was Bacha, a security guard in this prison in Kandahar. This was false as well as I've never even heard of the name Bacha. Now I am being accused of being a military judge for the Taliban. I have no idea why

someone would make this accusation, as it is not true. I can only speculate that it was someone from rival village close to my village in Pakistan. However, I have no proof because I am here at GTMO.

4. In response to (A4) of the unclassified summary, this is totally false. The only time I have ever been in Afghanistan was for two days to attend a funeral. A neighbor in my village of [redacted] had a relative in Afghanistan who died. I went with him to Afghanistan to attend the funeral service. I was only there for two days and then I returned home. How could I do all this things in two days, it is simply not possible. During the Taliban's reign I never even talked to them. I never had any contacts with the Taliban at all. The two days I was in Afghanistan to attend the funeral were the only two days I spent in Afghanistan ~~in my entire life~~ **during the time of the Taliban (This was in 1999).** Many Afghanis lived in Pakistan and they traveled back and forth. So rivalries or differences might have occurred on both sides of the border. I was never a judge in Pakistan or Afghanistan, nor was I ever a Deputy Foreign Minister in either of these two countries, nor was I ever a security guard in these two countries. I am only a chicken farmer in Pakistan. I also would occasionally earn some extra money by helping out at the local ~~school~~ **mosque**. I would teach children how to pray and how to perform absolution, I would teach them right from wrong. However, my main income and occupation was as a chicken farmer.

5. In response to (A5) of the unclassified summary, no it was the end of Jan 2002. I was in my home. I didn't live on the chicken farm I worked on one. The Pakistani authorities knocked on my door and told me that they wanted to search my house. I asked them why they wanted

to search my house and I was told that they were looking for ancient artifacts that were looted. I didn't know what they were talking about and I had nothing to hide. They didn't find any artifacts, as I didn't have any to find. However, the Pakistani authorities told me that I had to go with them to the police station. I asked them why; they searched the house and found nothing? I was told I had to go. At the police station they questioned me more about the ancient artifacts. I told them you searched my house and you found nothing. The police then told me that even though they didn't find any artifacts, if I didn't give them money, a bribe, I was gone. I told them that I didn't have any money to give them, but even if I did I wasn't going to give it to them. I asked, "What have I done that I need to pay you for?" They said it doesn't matter we just want the money. Since I had refused to pay the bribe, we never even discussed the amount of money they wanted. They told me I'd sit until I paid them and took me to a cell. They kept me in this cell for a few hours, and then blind folded me and put me in a car with someone else and drove us to another location. I was kept in a Pakistani jail for 36 days. During this time, a Pakistani soldier asked me if there was someone else in my village with the same name as I. I told them there could be, but I didn't know for sure. This soldier then told me that they were looking for someone else and they had found ~~him~~ **me**. That was all he said to me. After 36 days in the Pakistani jail, they came and got me one night, tied my hands behind my back, put a hood over my face and put me into a car. Although I couldn't see anything, there were other prisoners in this car. One **of the soldiers** was speaking Pastu and several others were speaking Urdu. When the car stopped I could hear airplanes. They took me from the car and put me into an aircraft. There were Americans in this aircraft. I still couldn't see anything because I was blindfolded, but they were speaking English. When we landed they asked for my name and I told them [redacted]

Exhibit D-b
3 of 4

[redacted] Then a translator who was speaking Pastu asked me what languages I spoke. I answered that I only spoke Pastu. I was then told that I was not [redacted] I was [redacted] That was not correct, my name is [redacted] was the Deputy Foreign Minister of the Taliban. I was taken to this camp and they began to interrogate me. An American later told me that I was wrongfully taken and that in a couple of days I would be free. I never saw this American again and I'm still here. Since then, I have also been accused of being a Security Guard, which is not true. Now I have this new accusation, that I am a military judge of the Taliban. This is simply not true, I am innocent.

This letter was translated by OL 4, it reads:

> From (*CENSORED*) to (*CENSORED*), greetings. We are, thank god, doing good. We want your happiness from God. Your school is going well, everyone in the family is doing well. Your chicken farm is there, and we check on your school. We are praying for you. Wish you luck, salam.

Note: On the front of the letter, from [redacted]

EXHIBIT D-C

Ethel Ethel

from blank to Blank greetings. We are thank God doing good, we want your happiness from God. Your school is going well everyone in the family is doing well. Your chicken farm is there, and we check on your school. We are praying for you. Wish you luck — Salam

on the front letter names appear in letter they concealed.
from [redacted]

22

7. RED CROSS MESSAGE

پیغام خانواد گی صلیب سرخ/دسره صلیب کورنی پیغام

8. SENDER فرستنده /لیږونکی

ICRC No. [redacted]

Full name [redacted] نام کامل / مکمل نوم

Father's name [redacted] نام پدر / دپلار نوم

Grand-father's name .... نام پدر بزرگ / دنیکه نوم

Mother's name [redacted] نام مادر / دمور نوم

Nationality [redacted] تابعیت / میراد

Date of birth .... تاریخ تولد / د پیدایښت نیټه   Sex [F] [M] [ز] [ا] جنس

Place of birth { village/قریه/کلی district/ولسوالی province/ولایت country/مملکت/هیواد } محل تولد / دزیږیدو ځای

Refugee camp/Detention place .... نام اردوگاه پناهندگان/محل اسارت / دپناهندګانو دکمپ نوم/ دبند دځای نوم

Street [redacted] کوچه / دکوڅې نوم

Village, District or City [redacted] قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country [redacted] ولایت مملکت / ولایت هیواد   House No. .... نمبر خانه / دکورنمبر

گیرنده [redacted]

ICRC No. [redacted] شماره صلیب سرخ / دسره صلیب نړیوال کمیټې لمبر

Full name [redacted] نام کامل / مکمل نوم

Father's name [redacted] نام پدر / دپلار نوم

Grand-father's name [redacted] نام پدر بزرگ / دنیکه نوم

Mother's name .... نام مادر / دمور نوم

Nationality [redacted] تابعیت / میراد

Date of birth .... تاریخ تولد   Sex [F] [M] [ز] [ا] جنس

Place of birth { village/قریه/کلی district/ولسوالی province/ولایت country/مملکت/هیواد [redacted] } محل تولد / دزیږیدو ځای

Refugee camp/Detention place .... نام اردوگاه پناهندگان/محل اسارت / دپناهندګانو دکمپ نوم/ دبند دځای نوم

Street [redacted] کوچه / دکوڅې نوم

Village, District or City [redacted] قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country .... ولایت مملکت / ولایت هیواد   House No. .... نمبر خانه / دکورنمبر

APPROVED BY US FORCES

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ

دسره صلیب نړیواله کمیټې

19, av. de la Paix - 1202 Geneva, Switzerland

MCR/EN-DA-PU/10.01/ACR

AP00289

11. REPLY TO THE MESSAGE

جواب

Family and/or private news only

احوال خانواده گی که محض ماهیت شخصی داشته باشد

کورنی پیغام چه یوازی شخصی احوال بیان کړی

[redacted] [illegible] [redacted] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] [redacted] [illegible]

[illegible]

[illegible]

KAD

[illegible]

[illegible] [redacted] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[redacted] [illegible]

[illegible]

[illegible] [redacted] [illegible]

[illegible]

12

Date .... { تاریخ / نیټه   Signature .... { امضاء / لاسلیک

The addressee is my .... { نسبت خانواده گی با گیرنده / اخیستونکی سره کورنی اړیکی

OL 4 translated this letter, it reads:

From your brothers [redacted] and the whole family and friends to our brother. Our brother at home everything is fine, from young to old thank God everyone is fine. Everyone else is doing, we want your happiness from God. We want your happiness from God like Abraham when he was in the middle of the fire and God protected him. We tried to release you but we haven't found any response, we will try God willing, and we hope that you will be released, and your chicken farm is there. CENSORED is also sending his greetings. Your letter you sent to Quetta, you wrote that you wrote us a lot of letters and you haven't sent responses, we've replied to all of your letters. I don't know why it hasn't gotten there. We are praying for you and we will pray.

Sept 26, 2002

EXHIBIT D-D

from your brothers [redacted]
and the whole family and friends to our brother
Our brother at home everything is fine, from young
to old thank God everyone is fine. Everyone
else is doing good, we want your happiness from
God. We want your happiness from God like
Abraham when he was in the middle of the
fire and God protected him. We tried to release
you but we haven't found any response, We will
try God willing, and we hope that you will
be released, and your chicken farm is there.
Blank is also sending his greetings. your
letter you sent to Quetta, you wrote
that you wrote us alot of letters and you
haven't sent responses, we've replied
to all of your letters, I don't know why
it hasn't gotten there. We are praying for
you and we will pray.

Sept 26 2002

COMITE INTERNATIONAL GENEVE

0937

JJJE44A

7. RED CROSS MESSAGE

پیغام خانوادگی صلیب سرخ/دسره صلیب کورنی پیغام

8. SENDER / فرستنده/لیږونکی

ICRC No. ....

Full name .... [redacted]

Father's name ....

Grand-father's name .... [redacted]

Mother's name ....

Nationality ....

Date of birth .... [redacted] Sex [F] [M]

Place of birth village/[redacted] district/[redacted] province/ولایت country/

Refugee camp/Detention place ....

Street .... [redacted]

Village, District or City .... [redacted]

Province/Country [redacted] House No. ....

KAD

APPROVED BY US FORCES

CLEARED BY US FORCES

JAN 02 2004

JTF GTMO JDOG S-2 GUANTANAMO BAY CUBA

ISN [redacted]

9. ADDRESSEE / گیرنده/اخیستونکی

ICRC No. [redacted]

Full name [redacted]

Father's name [redacted]

Grand-father's name .... [redacted]

Mother's name .... [redacted]

Nationality .... [redacted]

Date of birth .... Sex [F] [M] [ ] [ ]

Place of birth village/ district/ province/ولایت country/

Refugee camp/Detention place [redacted]

Street ....

Village, District or City ... GTMO ....

Province/Country .... House No. ....

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ

دسره صلیب نړیواله کمیټه

19, av. de la Paix - 1202 Geneva, Switzerland

MCR/EN-DA-PU/10.01/ACR

AP00293

11. REPLY TO THE MESSAGE

جواب

Family and/or private news only

احوال خانوادگی که محض ماهیت شخصی داشته باشد

کورنی پیغام چه یوازی شخصی احوال بیان کړی

[redacted] [illegible]

[redacted] [illegible]

[illegible]

[illegible] [redacted] [illegible]

[illegible]

والسلام

[illegible]

12.

Date 26 سنتمبر 2002 تاریخ

Signature [redacted] امضاء / لاسلیک

The addressee is my .... نسبت خانوادگی با گیرنده / اخیستونکی سره کورنی اړیکې

EXHIBIT L

3 of 4 DOCUMENTS

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June 7, 2005, Tuesday, BC cycle

SECTION: International News

LENGTH: 1126 words

HEADLINE: AP EXCLUSIVE: Guantanamo prisoners say their youth was stolen by Taliban

BYLINE: By PAISLEY DODDS, Associated Press Writer

DATELINE: LONDON

BODY:

Some were baby-faced teenagers too young to grow facial hair. Others said they were snatched from their families and forced to work for Afghanistan's Taliban.

The stories of the youngest detainees at Guantanamo Bay, Cuba, chart their journeys from childhood in the villages of Afghanistan to U.S. custody, according to military tribunal transcripts obtained by The Associated Press under a Freedom of Information lawsuit.

Guantanamo officials released three Afghan boys ages 13 to 15 last year, but the transcripts of the hearings to determine whether prisoners were correctly classified as "enemy combatants" verify they weren't the only teenagers at the prison camp.

Although the U.S. government blacked out most ages from the documents, some remained, including the story of an 18-year-old who said he had been at Guantanamo for two years.

The teenager was accused of firing at U.S. troops in Afghanistan. He denied it and described how the Taliban had arrested him.

"My infant cousin was born. We had a party. We were playing the drums. We were having fun. When they came they broke the tapes, they broke the drums, they took me to jail, they beat me with a cable then they put salt in it - my wounds," he told the tribunal.

In many parts of Afghanistan, the Taliban regime prohibited music and dancing, imposing a strict form of Islam. They also forced children into religious schools to study the Quran.

Another young prisoner accused of links to an al-Qaida explosives cell said the Taliban came to his village and forced people to work or undergo training.

"At that time I had no beard or facial hair. They told me I was too young to go to war," the detainee testified. "They wanted to train me and then work with them."

The Taliban sent him to a technical school where he received two days of training, but he said "When I returned home after the second day, my mother told me not to go back to the Taliban school because I had no father or older brothers."

The prisoner said he hid from the Taliban each day so he didn't have to go to school. The Taliban stopped looking for him after the Sept. 11 terror attacks, but he was then captured by the Americans, who he claimed abused him.

"They put a knife to my throat, tied my hands and put sandbags on my arms," he said. "At the airport in Khost I was walked around all night with the sandbags on my arms."

He said he was interrogated at the U.S. base at Bagram "and punishment increased."

"I was very young at that time, so whatever they said, I agreed to," he said. "I never admitted to being an associate of an al-Qaida explosive cell leader and when I came to Cuba I gave them the true story."

Shortly after the prison camp at Guantanamo opened in January 2002, human rights groups protested the capture and imprisonment of detainees under 18.

Guantanamo is no longer holding anyone 18 or under, said Lt. Cmdr. Chris Lounderman, a spokesman for the U.S. Southern Command in Miami, which oversees the camp. It was unclear whether any 19-year-olds are held, or how many teenagers have been at Guantanamo.

Some 34 of about 550 prisoners have been ordered released since the tribunals ended in January. But the U.S. government doesn't publicly provide reasons for freeing detainees so it's unclear whether being forced to join the Taliban would have affected any cases.

The United States defines an enemy combatant as someone who was part of or supported the Taliban or the al-Qaida terror network. That classification provides fewer legal protections than prisoner of war status under the Geneva Conventions.

The tribunal transcripts appear to validate claims of forced Taliban recruitment.

One prisoner is asked to respond to an allegation he conscripted young men for the Taliban by grabbing them off the street. The man said after the Taliban lost 8,000 men in fighting in 1998, "they started forcing young men and boys into service."

"They would go to each village and request 100 recruits from the tribal elders," the prisoner said. "The tribal elders were forced to provide these young men, otherwise the village would be burned. All of the people in the village obeyed the tribal elders, and gave up their men as required to serve four months."

Prisoners, young and old, alleged they were abused during interrogations to force confessions, according to some 3,900 pages of tribunal transcripts reviewed by AP.

Tribunal members are supposed to send abuse allegations to the Joint Task Force running the detention mission, which forwards them to U.S. Southern Command for investigation.

Lounderman, the spokesman at U.S. Southern Command, said Tuesday it wasn't immediately clear how many abuse allegations had been tallied in the tribunals.

Fresh allegations of abuse in documents recently turned over to AP included:

- A prisoner who claimed two U.S. teams of interrogators beat him.

"In Bagram, when the investigators were interrogating me, when I told them I went there to trade and I went there to study, they hit me they tortured me," he testified. "They said, "you are a liar" and they kept hitting me and tortured me. ... They were torturing us with electricity and they made us walk on sharp objects. They hit us a lot, and because of the pain we just said anything."

- Another prisoner said he was refused medical treatment in the southern Afghan city of Kandahar.

"I had metal sticking out of my leg and they would not clean the wound," he said. "They would not give me treatment so I told them whatever they wanted to hear. They just wanted anything. Any information. I just told them anything - whatever they wanted to hear because I wanted them to treat my leg. I saw other people mere whose legs hag to be cut off. I did not want my leg to be cut off."

- Another prisoner said he reported his alleged abuse to officials from the International Committee of the Red Cross, the only independent group with access to the prisoners in Afghanistan and Guantanamo.

"In Kandahar, they took all my clothes and the American soldiers hit me and kept me tied up in the rain for three hours," he said. "My hands and feet were tied so tight that I couldn't move my hands for a month and I couldn't move my feet for two weeks."

At Guantanamo, the prisoner claimed the abuse continued: "When I got off the airplane, the soldiers hit us. They had us shackled and had our eyes covered. They took off my clothes by the shower. The Red Cross asked them about my head wound. In the first month of detention in Cuba, the soldiers would hit me before bringing me to the interrogator."

EDITOR'S NOTE: Paisley Dodds, Associated Press bureau chief in London, has covered the U.S. prison at Guantanamo Bay since it opened in 2002.

GRAPHIC: AP Photo NY192

LOAD-DATE: June 8, 2005

EXHIBIT M

Detainee Statement

Before I begin defending myself I would present my gratitude to all the members at this tribunal and to the personal representative and the translator and to everyone who helped in allowing me to defend myself but unfortunately I would like to let you know that we have heard, and several times, about this court, that it is merely a game presented against the detainees and as for the two words "Enemy Combatant", this is the verdict that has been presented to every detainee, for as I have understood, that the detainee, no matter what he did, this verdict will not be lifted for him even if he did the impossible, but I said a game not to mock anyone present now, but that is what I heard and I grew more sure that it is a game when I heard that all the detainees are enemy combatants and I haven't heard of one who has left as innocent except for one person.

At the start of defending myself I will say that there are numerous and many issues that you must look at and among these issues is my story and I will say it in a moderate manner, neither long nor short and if you want details about every word then I will elaborate.

The story is: I am the detainee owner of the number [redacted], I left [redacted] in the year 2001 at the end of the sixth month with members of my family their number comes to [redacted] and I am their [redacted] and our departure, all of us, was with papers that were in order-visa-passport-necessary stamps- so we left [redacted] to Iran and when my father called to the hotel and said come to the Iranian-Afghan border we went to him and we went after that to [redacted] and we stayed in it the whole time, three months, and yet close to two months and more after our stay in [redacted], my uncle's [redacted] came and [redacted]s and their arrival was only one week before the events, I mean the event of the eleventh of September and our stay in Kabul was in a house that my father had rented and during our stay in [redacted] I did not leave the house except to go to the supermarket close by and I was always discussing with my father and asking to go back to [redacted] again to continue my studies but he said wait until I collect my money and after that we will go to Saudi Arabia. And after that the events happened and America announced that there would be a war against Afghanistan so we left immediately after America's announcement of the war, we left to Jalalabad so we could go to Pakistan to save ourselves from the war and we stayed in Jalalabad for a period of one month and after that we left with the family to a village so we could leave to Pakistan and at our arrival and before our family got out the residents of the village told my father that two of you should stay here and two should go with the family so my father chose me to remain with him and the family left to Pakistan [and the reason that made the village's residents separate us is that they said that highway robbers and thieves are abundant so if they see you they might kill you and kill the children and take the women] and after that the village people took me and [redacted] to another village and we stayed in it for a few days and after that village to another village and we stayed in it for a few days as well and after that the village people told my [redacted] that there was no means of getting to Pakistan except by walking in the mountains so we walked in the mountains for three days, keeping in mind that we didn't know the name of those mountains or the name of the villages and upon our arrival to the Pakistani village we stayed in it for a few days and after that they took us to the prison and that was in the first day of EID in the afternoon. Keeping in mind that we had not done any crime or any illegal act.

Note # 1: During our stay in [redacted] my [redacted] job was in a restaurant, I did not see the restaurant but I saw him, how he prepared the food in the house then go in the morning to the market to sell it.

Note # 2: As for the members of my family they were all with my family [[redacted]] among them my grandmother and her age was 67 and an infant also, his age was eight months. As for the presence of these two people in this family, these two people did not have teeth, so that should clue you in and make clear to you my father's good intentions and his purpose for which he left. And his arrival with two people such as these should also make clear to you that he has no relationship with fighting or war or any groups or Qaeda or Taliban.

I will begin the defense of myself. I state that the truth and the facts is the story that I presented to you now, so if you want the truth and the facts, then this is it and if you want otherwise you can take what you want.
The personal representative has presented the accusations and the core accusation says that I am from the Taliban or Al-Qaeda.

First: If you wish for me to swear that this item is incorrect I am prepared and I have a witness to testify that I have no relationship with anyone from Al-Qaeda or the Taliban or any other group.

Second: As for the two words Taliban and Al-Qaeda and other words like Jihad-Mujahideen-I had not heard of all these words before but I had heard them for the first time in the prison here when I was asked before by the interrogators are you Taliban I would say no-are you Qaeda I would say no.... I say to you in a simply and easily that I am not from the Taliban or from Al-Qaeda or even from any other group, in fact I am against any person who commits hostile acts and violent acts. For my father and I, we wish for every person in the world to live with freedom and safety and peace and peace of mind whether that person was small or big, man or woman. And we said in the interrogation that when the events happened-I mean the eleventh of September-we cried and we were greatly saddened and we said in the interrogation also that my grandmother, this old woman, cried and said what is those innocent people's fault, to be killed? And me, my whole life I never left Syria and never left my city and this was the first time I had left my country and my age when I left was close to eighteen years. And you could know, from our stay here in this place, if we were combatants to you or non-combatants, for each one of you can go back to my behavior file and look for yourself. But despite that, I will mention to you many pieces of evidence that will show you that we have no relationship with any of the groups at all, neither my father nor me.

From these stories and pieces of evidence:
Several times my [redacted] and I saw a piece of metal that could have, as the soldier said about it, been used as a weapon and could have caused harm. When we saw these pieces

we took them immediately and turned them in to the soldiers and this happened approximately over 15 times and this is all recorded with the date and time. In the very recent past on the 20th of November, I saw two pieces of metal in [redacted] and I gave them to the soldier and also on the 29th of November I saw in the walkway of [redacted] a piece of metal 5 cm long and I gave it to the soldier immediately and also on the 2nd of December in [redacted] by father saw a piece of metal and gave it to the soldier.

And also on the 4th of December I saw a piece of metal and I gave it to the soldier and also on the 4th of December at night in [redacted] a soldier gave me a mask to hang my Quran on and usually this mask comes with a metal and the soldier forgot to take the piece of metal from it before giving it to me so he gave it to me with the piece of metal in it, so I took the metal and I gave it to the soldier and he thanked me and he wrote that on the computer.

And I have mentioned these stories first because I remember the date and the other stories are bigger and more dangerous that the first story. I have done very good deeds that show you my good intentions and my honesty and my [redacted] honesty with you in all our words and it does not make sense at all if I was an enemy combatant that I would give back those things and the pieces of metal that could inflict harm. And the story is one time I was in the walkway in [redacted] and I saw a piece of metal 20 cm long so I took it immediately and gave it to the soldiers and after this good deed one of the soldiers came instead of thanking me him proceeded to threaten to kill me and he said I will cut your head and your neck without me doing anything to him. Look at how the reward was from this soldier, instead of thanking me for this deed he threatened to kill me. And the supervisors afterwards kicked him out of the Block and wrote a report about that and all the supervisors saw this that day.

And the other story in [redacted], I also saw a piece of metal inside the room and that metal was the remains of welding, and I told the soldier about it.

And the other story happened in [redacted] in room [redacted] I saw breakage in the fence and I notified the authorities about it. And the room is still there and you can see it and the soldiers can all testify that my father and I have done this thing and they will also testify that we have no problems with any of he soldiers and we have maintained good behavior and fine manners in spite of all the pressures around us and in spite of the threats and the torture that we have been through. And I will mention the stories where we have been through torture and threats and I will mention where that was and I will mention the reason as well.

The first story: During our stay in the Pakistani prison we were subjected to beatings and harsh torture until the torture led to my nose being broken and you can see it in front of you now, and during the time we were being tortured, there were Americans present.

The second story: During our stay in the American prison in Kandahar we were subjected to torture and the reason was that they wanted us to say that we were from Al-Qaeda or the Taliban by force, my [redacted] forehead was fractured and the Red Cross saw this and wrote a report and my left hand was fractured and I suffered many diseases as well and there were also other methods of psychological pressure and fatigue like sleep deprivation for long hours and not going to relieve yourself and that is among the necessities for humans, and that prison was under the management of Americans.

The third story: During our stay in CAMP X-RAY we were subjected to bad treatment and the reason was so that we could say by force that we were from Al-Qaeda or the Taliban. In one of these stories one of the interrogators brought two wires connected to electricity and said that if you do not say that you and your father are from Al-Qaeda or Taliban I will place these in your neck and another time he drew knives and said if you don't say you are from Al-Qaeda or Taliban we will bring the knives and cut your hands and put salt in them.
And also in that same place one of the interrogators beat me in my face and at that time I was drinking water, so he hit the cup and hit me as well and the reason was that he wanted me to say by force that my father and I were from Al-Qaeda or Taliban.
And also in CAMP X-RAY the soldiers came and threatened us and told us we killed your family.

The fourth story: During out stay in CAMP [redacted] we were exposed to death threats and threats of handing us over to other countries so they could torture us there and after that they would bring us back here.
And I told you that one time after I gave the soldier the metal, which was 20 cm, long the soldier threatened to kill me.
And also the soldiers in this place told us twice, they said we killed your family and they said we know that they are [redacted] individuals and after the interrogators tried pressuring and torturing us to compel us by force to say that we were from Al-Qaeda or the Taliban, and when they failed at what they wanted, they came to us with temptation and enticement and they proposed to us that we lie about the detainees in this place in exchange for a car-a house-and the American citizenship and they to said to us "lie about the detainees and we will give you these things", so we refused because we do not know anyone and I am sure that this method of temptation was followed with many of the detainees and I am sure that many of the detainees lied about the other detainees without prior knowledge and all this false cooperation happened for the sake of personal advantage and for the sake of the implication of the detainees and for the sake of getting out of this place. So I ask of you to look into my case thoroughly and finally, of this accusation I repeat again that we are not from Al-Qaeda or the Taliban or any other group at all and we don't have any relationship with wars or fighting and my [redacted] will testify that I am not of any group at all and my family will testify that I am not of any group at all and they will testify that my [redacted] also does not have any relationship with any group at all One of the interrogators made a request of me and said to me, if you said that your [redacted] is from Al-Qaeda or the Taliban we will take you out of this place and we will send you home so I told him that my [redacted] is not from any group at all and this is the truth for my [redacted] is a food seller only and nothing else.

The first accusation, and it states that I traveled from [redacted] to Afghanistan in the year-2001-the answer is yes I traveled from [redacted] to Afghanistan with papers that were in order and official and it is available with you and that was in the sixth month of the year –2001- in the end of the sixth year

[redacted], which is my original country did not forbid any person from going to any place in the world except for one country and that is Israel, it was written on the passport "travel to everywhere in the world is permitted except for Israel" and you can go back to the [redacted] passport office and look into this piece of information.
Therefore I don't see any problem in this accusation because I proceeded with papers that were in order and through legal means. And I did not commit anything illegal. Knowing that I entered before the events of the eleventh and before the war and in Afghanistan I stayed at the house during my whole time and I did not leave it and my father can testify to that.

The second accusation and it says that my [redacted] is a veteran Mujahideen fighter
My [redacted] has defended himself against this accusation at his trial, but I will repeat again that my [redacted] does not have any relationship with Al-Qaeda or the Taliban or any group at all neither does he know wars and he doesn't have any relationship with wars and he didn't leave [redacted] except twice and both times were in the year 1999-once to Saudi Arabia and the other time to Afghanistan, so how can this accusation say that he is a veteran fighter when in his entire life he's never left his country except for those two times. My [redacted] worked in a restaurant in Kabul and I haven't seen this restaurant but I saw how he used to place the food in the house then go in the morning to the market to sell it and I swear if you wish that my [redacted] is not a fighter and not Al-Qaeda or Taliban and does not belong to any other group at all.

The third accusation says that the detainee admitted that he traveled through the mountains of Tora Bora in Afghanistan.
The answer: I said in the interrogation when I was asked how I got out of Jalalabad, I said exactly that I got out of Jalalabad with my family to a village and after that we got separated from our family and me and my [redacted] were left and the residents of the village took us to another village and we stayed in it for some days and after that we went to another village and we stayed for some days as well and after that the resident of the village said that there was no way to get to Pakistan except for walking in the mountains so we walked in the mountains for three days not knowing what the name of those mountains were nor the names of the villages that we stayed in. That is all what I said in the interrogation and I did not say anything more.

The fourth accusation says that the detainee was in Kabul when it was defeated.
The answer: I said in the interrogation that when I heard that America was going to start war against Afghanistan we left Kabul to Jalalabad and we didn't see the war in the first place and we didn't see the defeat of Kabul or even the defeat of Jalalabad, so this accusation is incorrect and the date proves that to you and my father if you asked him will tell you when we left.

The fifth accusation: says after the fall of Kabul the detainee fled to Jalalabad and then to Pakistan where he was arrested.
The answer as I have mentioned to you is that we left Kabul before the start of the war so how the accusation can say that we left after the fall of Kabul I do not know.

Regarding our departure from Jalalabad to Pakistan, this is true, for we left Jalalabad to save ourselves from death and that is the biggest proof that shows every rational person and every individual that we are not combatants and we are not fighters and we are not terrorists and we do not have any relationship with Al-Qaeda or the Taliban or any other group, for this accusation shows you that we escaped from death to save ourselves, for the terrorist or the combatant as you say likes to die, but we are the opposite completely we do not like death and the proof is that we left Jalalabad to Pakistan and if we liked death we would not have left Afghanistan, neither us nor our family, for the person who has a mind knows that we have nothing to do with any of these wars or fighters and the accusation says he was arrested in Pakistan, but is should say he was sold in Pakistan for we ourselves were not arrested by anyone, but we ourselves entered the Pakistani village and the residents of the village handed us over to the Pakistani Authorities when we did not commit any crime or any illegal act.

Finally, this is our true story in front of your eyes and firstly and lastly I say to you that I have heard before that everyone in this place has been determined to be an enemy combatant before the trial starts and this verdict I am positive that no matter what I present in terms of evidence or witnesses or oath, I am sure that this verdict will not be lifted and thank you to everyone who is present in this hearing. The end.

12/2/2001

Summarized Unsworn Detainee Statement

Tribunal President: I just want to verify before we get started that you feel comfortable with listening to us in English and just use your translator when you have a question. Is that the way you'd like to proceed?

Detainee: Yes.

Tribunal President: Ok.

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President stated that the detainee wants to participate and requested one witness. The witness request was deemed was relevant, but, after several attempts to contact the Department of State, we have not received a response on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does come available, this tribunal may reopen this case.

Initially, the detainee wasn't sure on taking the Muslim oath, but, after clarification from the Tribunal President, and his Personal Representative, The detainee did want to take the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The Personal Representative read from notes taken from a previous interview with the detainee. The allegations appear in italics, below.

3.a. The detainee is associated with the Taliban or al Qaida

3.a.1. The detainee worked at a U.S. military base in Kabul, Afghanistan.

Personal Representative: (speaking on behalf of detainee from notes taken): That is not true. He worked for an American company, not at a military camp, not at a military base. Not at a military base for Special Forces, or Army. He worked for the [redacted] He was a translator, driver for [redacted] and American program officer at site 3. This company was located in downtown Afghanistan, only a quarter mile from the presidential palace. Not a military base. The military base was actually in Bagram some fifty miles drive away.

Tribunal President: I'm sorry, could you please repeat the name of the town?

Personal Representative: Sure, it was Kabul.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.2. The detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan.

Personal Representative: (speaking on behalf of detainee from notes taken): No, I did not assist any member. I mentioned that I worked for a person named [redacted] who worked for the [redacted] He was a commander to escort equipment from Herot to Kabul. That's what [redacted] did. His job was a contractor for the [redacted] He had heard of his name before as a commander of the HIG and as a famous thief between Herat and Kabul. (The detainee interrupts, to correct Personal Representative) No, between Kabul and Chava (ph). And then I saw him at the [redacted] After I was accused at the office, I ran away to home, I told my father what happened and then two days later went back with my father to the [redacted]

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.3. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida.

Personal Representative: (speaking on behalf of detainee from notes taken): I did not know it was identified as a terrorist group, I only knew [redacted] all I knew was that [redacted] was part of HIG. At capture, I told them that I worked for the [redacted] but no one would listen to me, when they captured me, they would not listen.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.4. The detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I said this under torture. I said I worked for [redacted] because they were threatening me. [redacted] is the specific name [redacted] an American civilian, told me if I don't say whom I worked for, I kept saying [redacted] but they would not believe me. And after sixty-eight hours, I said [redacted] so that I could be released. Again [redacted] was an American, tortured and threatened me with a gun to my mouth, to try to make me say something. Also, regarding that same one, I did say these things under pressure, I had to lie, and they exist in the files because I lied thinking that I would be released.

[redacted]

Enclosure (3)

3.a.5. The detainee provided photographs of a U.S. military base in Afghanistan to a member of Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I never took any pictures of any base. I was never at any military base. Again the corporation I worked for was downtown. (The detainee interrupts; making sure that the name of the company was mentioned.) It was the [redacted] It wasn't at a military base.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.6. The detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base.

Personal Representative: (speaking on behalf of detainee from notes taken): Part of my job was to take pictures for security badges. I did not give any template of badges to anyone. I did say this, but, under distress. They kept saying, what info did you give, to show them, we will not release you, until I tell them the info. So, I made up this lie as well. Part of my job was to take photographs but, during the pressure, he told them that he provided them to the terrorist organization. But, again, in actuality, part of his job for the [redacted] was taking photographs, laminating them and making security badges for people.

Detainee: For the staff, for the members of the staff for the [redacted] staff.

3.a.7. The detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I never said this. I never stole this. [redacted] allowed me to take the computer home to use it for a computer course. He allowed me to use it at home a lot.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.8. The detainee applied for a visa to the United States under a different name.

Personal Representative: (speaking on behalf of detainee from notes taken): I did, but it was with my entire family in Paris. I never tried to use a different name. He denies that he tried to use a different name.

Detainee: (speaking without translator) Because, I did it because of the lack of education in Afghanistan. When we apply, we do it with our whole families to go to a foreign countries. It wasn't, I didn't mention anything to the embassy (inaudible) office, so I didn't mention that I wanted to go to the U.S., but I mentioned, to any foreign countries.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no". The Personal Representative once again, explains to the detainee he can make a general statement if he wants to at this time, and if not, then his section will be done. The detainee declines.)

Personal Representative: Tell us, in detail, what it is that you did for the [redacted] what your responsibilities were.

Detainee: At first, when I joined the [redacted], I was translator, with driver. Then, I become a purchase and finance clerk.

Tribunal President: Recorder, do you have any questions for the detainee?

Recorder: Yes Ma'am. What type of computer course were you enrolled in?

Detainee: HTML

Recorder: Through what agency was this possible?

Detainee: The course?

Recorder: Yes.

Detainee: It was private.

Recorder: Private?

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, you are a native of what country?
A. [redacted].

Q. Have you ever traveled outside of [redacted], other than this opportunity?
A. Pakistan.

Q. When was the last time you traveled to Pakistan on your own?
A. It was at the end of Taliban. 2000.

Q. And, what was the purpose in that travel?
A. Because, during the war in Afghanistan, that, we all went to Pakistan. The war when the Americans take Afghanistan, so we went to Pakistan.

Q. How old are you?
A. I'm twenty-four.

Q. And, before you worked for [redacted] first of all, when did you start working for [redacted]
A. I worked from 17 October 2002.

Q. And before that, what did you do?
A. I worked for the E(inaudible) Foundation Organization, American angels (inaudible).

Q. And what did you do for them?
A. Admin and finance assistant.

Q. What other types of job have you held?
A. I was making the reports, making the financial.

Q. Before working for them, whom did you work for?
A. I was working as a computer instructor.

Q. Have you ever been a member of any political party or group?
A. No.

Q. What's the highest grade level you've completed?
A. High school.

Q. Did you know that being a member of the HIG would be considered wrongful in the view of the United States?
A. I didn't know what that is.

Q. The Hezb-E-Islami Gulduddin, did you know that the United States viewed that group as a, for lack of better term, a bad group?
A. I don't know about that.

Q. You didn't know that the United States...
A. Yes, I know its an organization, an Islami Organization, I don't know anything about that.

Q. Okay. Did you even know what their purpose was? What they existed for.
A. No. Yes, I know during the Russian war they were fighting in front of the Russians.

Q. So, you didn't know they were fighting the United States?
A. No.

Q. You said that you were tortured, corrected? Tortured?
A. Yes.

Q. Specifically, your personal representative mentioned that somebody put a gun in your mouth?
A. Yes.

Q. Other than that, did anybody torture you?
A. After that, two Afghani's guys came; down in Kabul, in a place which where [redacted] was interrogator. So, they came, start the same questions for me. And they start beating, so, when I was bleeding, one of the American guy told them to stop the beating, so, he stop beating, and then they left. After that, they put me in all night, in cold weather, in a cage, in a dog cage.

Q. And this torture was being done where?
A. Kabul.

Q. At a U.S. facility?
A. Yes.

Q. And when was the first time, when you reported all this torture?
A. In Bagram.

Q. In Bagram? How long after it happened did you tell somebody?
A. Like to every interrogators.

Q. You don't remember the first time, how long it had been since you were tortured, until you told somebody?
A. One and half years ago.

Q. The man who beat you, do you think he was American?
A. Yes.

Q. This man, that, I think who was asking you questions, that started this whole thing to provide information. Did you know him before?
A. No.

Q. He just came up to you and started talking?
A. Yes.

Q. And, you said, you had informed your father, about this? Is that what I understood? Who did you inform, and when?
A. The first thing, the first stop, when I came back to home, I said to my father, I got problem? He told me, are you working for anybody? Are you working for any political people, or to any organization? I told him no. He told me then, why are you scared? Go back to office. Then on Saturday, because Friday was off, in Afghanistan, so, on Saturday, I went to office. When I went there, with my father, so, if I'm working with any of the organizations, or if I'm Taliban, or al Qaida then why, I go back to office?

Q. Did this man threaten you?
A. The [redacted]

Q. Yes.
A. No.

Q. How did this meeting start? Were you just walking down the street, eating somewhere, did he just approach you, how did this start?
A. Who approach me?

Q. The [redacted] Who is the one that asked for this information?
A. Nobody asked for information.

Q. Nobody?
A. Nobody.

Q. So, who is this particular guy that...?
A. I said lie when I was in Kabul, to get released. I was scared; I said I give information to bad guy. I said to [redacted] because, he said just tell us who you are working, if you don't say, we will send you to Cuba, and you will never see your family, and we will send you forever. So, just say to whom you are working. And, then I thought, say lie, and I said lie.

Q. Oh, so nobody asked you for information?
A. No, nobody.

Q. Then, why do you think they arrested you?
A. I don't know. Because, I was scared, scared from office, then I thought, that they thought that this guy, yeah, he's working for somebody. And that was the first time that I thought I got that problem, and I got scared. I go home. So, when I went back to office, they thought, oh maybe he's working for somebody.

Q. Nobody asked for information, but what did you tell your father, again?
A. I told my father, that, I have this problem at my office. They are saying that you are working for anybody, for any organization? And he asked are you? And I said no. And he said go back to office.

Q. Did somebody at your office accuse you of possibly working with somebody?
A. At first, I say yes.

Q. And that's when you told your father that somebody at work is accusing you of working with somebody?
A. Yes.

Q. What type of relation did you have with [redacted] was it a pretty open, pretty friendly relation?
A. Just my program officer.

Q. Do you feel that he would've been able to give us a lot more information on what you did?
A. Yes, because I worked with him six months, like I went to office from six in the morning to eleven o'clock or ten o-clock at night, like more than with my families, I work with [redacted] so, he knew everything about me.

Q. He worked in the same office with you saw you daily?
A. Yes.

Q. Do you think he would've told us that you were not involved with any of these groups? What do you think he would've told us?
A. He will tell you that I work with him; nobody came to our office like a politician or from government. He will tell you like that, I know him, he isn't linked to anybody.

Q. Do you think he was ever suspicious of you working with anybody else?
A. No.

Q. And he never made any comments to you, asking you?
A. No.

Q. You had made a comment that you wanted a Visa to go to any country? Is that what you were saying?
A. Yes, that was during the Taliban, because, during the Taliban, there's no education in Afghanistan, and also economic problems with all people, so, all people applied to U. S. office. United Nations for refugees (inaudible). So, we applied for that, so we applied for any foreign countries. Europe or Americas.

Tribunal President's questions.

Q. Can you tell us a little about your arrest, capture, when it occurred, and how did they come to your office, how did they take you into custody?
A. It was Saturday morning; I came to office with my father, when I came [redacted] and [redacted] they were working on.... They told the guy, they said, to sit down, and take your hands out of pockets, so, when I took them out, they put handcuff on me, and they took me. [redacted]

Tribunal member: So, was that after you were accused?
A. Yes.

Q. (Tribunal President): That was when you came back to the office, when they picked you up?
A. Yes.

Q. And you know, about what time, when that was, as far as month, day, year, was it in 2000, 2002?
A. 5th April 2002

Tribunal President: I want to thank you for participating in this tribunal today.

Detainee: You're welcome.

Tribunal President: Is there anything else that you would like to say to this tribunal?

Personal Representative: Actually, can I ask another question Ma'am? I know I was given an opportunity already, but one has come up.

Tribunal President: Yes, certainly.

Personal Representative: Who, originally, you went to work one day, somebody originally accused you of something, because, that's why you ran. Who was that?

Detainee: Who accused me?

Personal Representative: Yes.

Detainee: That was [redacted]

Personal Representative: What did he say to you that day. You came into work, you thought everything was fine, and then [redacted] came up to you, what was said, that made you run home?

Detainee: When, the first, or when [redacted] came, or at the end or first?

Personal Representative: Yes, the very first time you were every accused of anything. Who was it and what was said?

Detainee: [redacted] I come outside from dining room, so when I come to office [redacted] and one other guy, they came and they asked me to who are you working for? I told them I 'm not working with anybody. They said, no, you are working with somebody. At first, they told me they would send you to Cuba forever [redacted] told me, that was in the office. At first, I was scared, that's why I ran home.

Personal Representative: And the matter of the second question is, if I may, is when we chatted, you saw [redacted] in the office, and you recognized [redacted] and you said that [redacted] worked for the [redacted] Is that right?

Detainee: I didn't recognize him. I, that guy was, he came with [redacted] and he was working in the fuels section with [redacted] That was (inaudible). So [redacted] came with him to the office, he introduced me, he was escorting the equipments from Herat to Kabul. So, in that time, he told me, he's [redacted] he's from Southern Kabul, in western Kabul. So, in that time, I said, I say, yeah, that's, he's the [redacted] a famous thief in Kabul and (inaudible).

Personal Representative: Now, did you ever give him, [redacted] any information, about the work, did you ever provide him anything?

Detainee: No. Yes, I did provide him legal. [redacted] he was the project manager, he give me translate acquisition letters to him, and I translate them, make in computer, and give him two copies. I gave one copy to [redacted] and one copy to [redacted]

Personal Representative: You were kinda ordered to do that, that was part of your job? Your boss made you do that and give it to [redacted]

Detainee: Yes, [redacted] (ph) he was project manager, he told me.

Tribunal Member: Just to clarify, are we talking about [redacted] they are employees of [redacted]

Detainee: No. We had a contract with them, [redacted] in Afghanistan, so we had a contract between [redacted] and [redacted] [redacted] he was working with [redacted] And [redacted] I don't know whom he worked for, I guess he came with [redacted] to the office.

Tribunal Member: Why do you think they were suspicious? Do you know what started this whole thing? Have they ever given you problems before?

Detainee: No.

Tribunal Member: They just all of a sudden started one day?

Detainee: Yes.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, United States Army
Tribunal President